

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE J		PAGE OF PAGES 1 3	
2. AMENDMENT/MODIFICATION NO. 0001		3. EFFECTIVE DATE 10-Jun-2002		4. REQUISITION/PURCHASE REQ. NO. W26GLG-2109-5756		5. PROJECT NO.(If applicable)	
6. ISSUED BY CONTRACTING OFFICE (CA/CW) US ARMY ENGR DIST NORFOLK ATTN: CENAO-CT 803 FRONT STREET NORFOLK VA 23510-1096		CODE DACW65		7. ADMINISTERED BY (If other than item 6) See Item 6		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				X		9A. AMENDMENT OF SOLICITATION NO. DACW65-02-B-0006	
				X		9B. DATED (SEE ITEM 11) 16-May-2002	
						10A. MOD. OF CONTRACT/ORDER NO.	
						10B. DATED (SEE ITEM 13)	
CODE		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u> 1 </u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
A.THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B.THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).							
C.THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D.OTHER (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) Technical Changes POC Susan Hurst 757-441-7747 757-441-7183 susan.i.hurst@usace.army.mil							
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
15B. CONTRACTOR/OFFEROR		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA		16C. DATE SIGNED	
(Signature of person authorized to sign)				BY _____		10-Jun-2002	
				(Signature of Contracting Officer)			

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

Changes in Section SF 30

AMENDMENT TO INVITATION FOR BID NO. DACW65-02-B-0006, TITLED "MAINTENANCE DREDGING, CHINCOTEAGUE BAY CHANNEL, GREENBACKVILLE, ACCOMACK COUNTY, VIRGINIA",

1. SECTION 01355: After the last page of this SECTION, delete in it's entirety the Virginia Water Protection Permit and substitute therefore the attached new Virginia Water Protection Permit.
2. SECTION 02881: Page 02881-2, paragraph 1.2, in the first sentence after "...dredging" insert "; however, the Contractor may encounter small areas in the dredging prism not dredged previously that constitute new work dredging".



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

5636 Southern Boulevard
Virginia Beach, VA 23462
www.deq.state.va.us

Robert G. Burnley
Director

Francis L. Daniel
Tidewater Regional Director
(757) 518-2000

May 31, 2002

U.S. Army Corps of Engineers
Attn: Mr. Ronald G. Vann, P.E.
Chief, Operations Branch
Norfolk District
803 Front Street
Norfolk, Virginia 23510

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

RE: Final VWP Individual Permit
VWP Individual Permit Number 01-0598
Chincoteague Bay Federal Navigation Channel

Dear Mr. Vann:

Pursuant to the Virginia Water Protection (VWP) Permit Program Regulation 9 VAC 25-210-10 and § 401 of the Clean Water Act Amendments of 1977, Public Law 95-217, the Department of Environmental Quality (DEQ) has enclosed the original VWP individual permit for maintenance dredging of the Chincoteague Bay Federal Navigation Channel.

The provisions and conditions contained therein according to § 401(a)(1) of the Clean Water Act requires that:

"any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge in the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of this Act."

This permit is valid for ten years from the date of issuance. Re-issuance of the permit may be necessary if any portion of the authorized activities or any permit requirement have not been completed. The permit term, including any extensions, cannot exceed the maximum of 15 years.

Mr. Ronald G. Vann
Permit Transmittal Letter
Page 2 of 2

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have **30 calendar days** from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

Alternatively, any owner under §§62.1-44.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the board taken without a formal hearing, or by inaction of the board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the board. Said petition must meet the requirements set forth in §1.23(b) of the board's Procedural Rule Number 1 (9 VAC 25-230-10 et seq. of the Virginia Administrative Code). In cases involving actions of the board, such petition must be filed within **30 calendar days** after notice of such action is mailed to such owner by certified mail.

If you have any questions, please feel free to contact Sheri Kattan at 757-518-2156 or sakattan@deq.state.va.us.

Sincerely,


William M. Cash-Robertson
Regional Permit Manager

Enclosures: Permit Cover Page, Part I - Special Conditions, Part II - General Conditions

cc: U.S. Army Corps of Engineers
Virginia Marine Resources commission
VWP permit file



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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(757) 518-2000

VWP Permit No. 01-0598
Effective Date: May 31, 2002
Expiration Date: May 31, 2012

VIRGINIA WATER PROTECTION PERMIT ISSUED PURSUANT TO THE STATE WATER CONTROL LAW AND SECTION 401 OF THE CLEAN WATER ACT

Based upon an examination of the information submitted by the owner and in compliance with Section 401 of the Clean Water Act as amended (33 USC 1251 et seq.) and the State Water Control Law and regulations adopted pursuant thereto, the Department has determined that there is reasonable assurance that the activity authorized by this permit, if conducted in accordance with the conditions set forth herein, will protect instream beneficial uses and will not violate applicable water quality standards. The Department finds that the effect of the impact, together with other existing or proposed impacts to wetlands, will not cause or contribute to a significant impairment of state waters or fish and wildlife resources.

Permittee: U.S. Army Corps of Engineers
Norfolk District
Attn: Ronald G. Vann, P.E.

Address: 803 Front Street
Norfolk, Virginia 23510

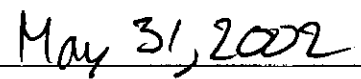
Activity Location: Chincoteague Bay Federal Navigation Channel, Accomack County

Activity Description: The applicant proposes maintenance dredging to maximum allowable depths of -9 feet mean lower low water to provide continued safe navigation for commercial vessels.

The permitted activity shall be in accordance with this cover page, Part I - Special Conditions, and Part II - General Conditions.



Director, Department of Environmental Quality



Date

A. Authorized Activities

1. This permit authorizes dredging of subaqueous bottom to depths no greater than -9 feet mean lower low water to maintain the Chincoteague Bay Federal Navigation Channel. This approximately 4,200 linear foot channel is comprised of a 2,700-foot long approach channel and a 1,500-foot long L-shaped harbor channel. All channel segments will be maintained to a 60-foot bottom width with the exception of an approximate 700-foot long section near the mouth of the harbor which will be maintained to a 100-foot bottom width as indicated in the Joint Permit Application dated April 3, 2001 and application revisions transmitted by letter dated March 29, 2002.
2. The project activities, including any conditions and limitations, described in the Joint Permit Application and any supplemental materials submitted by the applicant, or authorized agent, shall be adhered to for the term of this permit.
3. The permittee shall notify the Department of Environmental Quality Tidewater Regional Office Virginia Water Protection Permit (DEQ TRO VWPP) Program of any additional impacts to surface waters associated with this project. Any additional impacts to surface waters shall be subject to individual permit review or modification of this permit.
4. This permit is valid for 10 years from the date of issuance. Reissuance of the permit may be necessary if any portion of the authorized activities or any permit requirement has not been completed. The original permit term and extension cannot exceed the maximum of 15 years.

B. Standard Project Conditions

1. The activities authorized by this permit shall be executed in a manner to minimize any adverse impact on stream beneficial uses, as defined in § 62.1-10(b) of the Code.
2. The permittee shall employ measures to prevent spills of fuels, lubricants, or other pollutants into surface waters.
3. All dredging and/or filling in surface waters shall be accomplished in a manner that minimizes stream bottom disturbances and turbidity increases.
4. The permittee shall conduct his or her activities in accordance with any time-of-year (TOY) restrictions or other procedures recommended by the Department of Game and Inland Fisheries, the Virginia Marine Resources Commission, and the U.S. Fish and Wildlife Service for the protection of aquatic life and federal or state-listed species. The permittee shall maintain a copy of such recommendations or time-of-year restriction, or notification that no restriction is necessary, for the life of this permit.
5. All construction, construction access (for example, cofferdams, sheetpiling, and causeways) and demolition activities associated with this project shall be accomplished in

a manner that minimizes construction or waste materials from entering surface waters to the maximum extent practicable, unless authorized by this permit.

6. Immediately downstream of the project area, water quality standards shall not be violated as a result of the construction activities.
7. Erosion and sedimentation controls shall be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992. These controls shall be placed prior to clearing and grading and maintained in good working order to minimize impacts to surface waters. These controls shall remain in place until the area stabilizes.
8. No machinery may enter flowing waters, unless authorized by this permit.
9. In issuing this permit, the Board has not taken into consideration the structural stability of any proposed structure(s).

C. Construction Monitoring

1. Photo stations shall be established to document the construction activities within impact areas authorized by this permit. Photographs shall document the pre-construction conditions, activities during construction and post-construction conditions within one week after completion of construction. Photographs shall be taken during construction at the end of the first, second, and twelfth months of construction, and then annually for the remainder of the construction project. Photographs are not necessary during periods of no activity within impact areas.

D. Required Notifications and Submittals

1. All written communications required by this permit shall be submitted to the DEQ TRO VWPP Program. Please include the permit number on all correspondence.
2. Properly labeled photographs shall include the following information: date and time of the photograph, name of the person taking the photograph, photograph orientation, permit number, and identifying name/description of the photograph.
3. The DEQ TRO VWPP Program shall be notified in writing at least **ten days** prior to the start of each dredging cycle.
4. The DEQ TRO VWPP Program shall be notified in writing within **30 days** following the completion of each dredging cycle.

5. The permittee shall report any fish kills or spills of fuels or oils immediately upon discovery. If spills or fish kills occur between the hours of 8:15 AM to 5:00 PM Monday through Friday, DEQ TRO shall be notified at 757-518-2077; otherwise, the Department of Emergency Services shall be notified at 1-800-468-8892.
6. Violations of State water quality standards shall be reported within 24 hours to the DEQ TRO at 757-518-2077.
7. The permittee shall notify the DEQ TRO VWPP Program in writing when potential environmentally threatening conditions are encountered which require debris removal or involve potentially toxic substances. Measures to remove the obstruction, material, or toxic substance or to change the location of any structure are prohibited until approved by the board.
8. All reports required by this permit and other information requested by the DEQ TRO VWPP Program shall be signed by the applicant or a person acting in the applicant's behalf, with the authority to bind the applicant. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above; and
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
 - c. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the DEQ TRO VWPP Program prior to or together with any separate information, or applications to be signed by an authorized representative.
9. All submittals required by this permit shall contain the following signed certification statement: *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation.*

E. Dredging

1. Dredging is authorized per the project drawing entitled "Chincoteague Bay Greenbackville Federal Navigation Channel" submitted on April 4, 2001, and cross section dated April 3, 2001, submitted on March 29, 2002, and entitled "Enlarged Cross Sectional View of Channel" to a maximum depth of -9 feet mean lower low water. Maximum allowable dredge depth includes all overdredge allowance and any margin of error.
2. The DEQ TRO VWPP Program shall be provided a plans-for-dredging bathymetric survey, using mean lower low water datum, and proposed channel location for review at least **30 days** prior to commencement of each dredging cycle.
3. Dredging is shall be accomplished by hydraulic pipeline dredge.
4. Dredging of approximately 25,000 cubic yards per cycle is authorized, with no greater than 50,000 cubic yards dredged over the term of this permit.
5. Dredging shall be accomplished so as to minimize disturbance of the bottom and minimize turbidity levels in the water column. Sediment resuspension recommendations outlined in the Corps research documents "Sediment Resuspension Characteristics of Selected Dredges - 1984" and "Literature Review and Technical Evaluation of Sediment Resuspension During Dredging - 1991" shall be followed when applicable. Documentation of recommendations that were or were not followed and supporting explanations shall be reported in writing to DEQ TRO within **30 days** following completion of each dredging cycle.
6. All dredged material will be pumped directly into the previously-approved, diked, upland disposal site in Greenbackville.
7. The dredge material dewatering area shall be of adequate size to contain the dredge material and to allow for adequate dewatering and settling out of sediment prior to discharge back into surface waters.
8. The spillway or dewatering pipe shall be located at an adequate distance from the influent line to permit maximum settling of sediment within the disposal site.
9. Overtopping of the dredge spoil containment berms with dredge spoil disposal materials shall be prohibited.
10. Prior to commencement of dredging, a detailed plan shall be submitted to the DEQ TRO VWPP Program outlining all maintenance and repairs necessary to restore the diked

VWP Individual Permit #01-0598
Part I - Special Conditions
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disposal site to conditions adequate to prevent the re-entry of dredged material into State waters. The plan shall include a construction sequence, and associated timeframes.

11. When practicable, it is recommended that any necessary *Phragmites australis* eradication procedures in the dredged material upland disposal be performed from July 16 to February 29 to avoid impacts to resident birds during their nesting periods.
12. The double handling of dredged material in State Waters shall not be permitted.
13. In the event of a ruptured pipeline, this office shall be notified immediately and dredging/disposal operations shall immediately cease until repairs are completed.
14. A before-dredge bathymetric survey and after-dredge bathymetric survey of the dredged area, using mean lower low water datum survey shall be submitted to the DEQ TRO VWPP Program within 60 days following completion of each dredging cycle.
15. State Water Quality Standards shall not be violated during dredging operations, unless otherwise caused by ambient conditions.
16. If evidence of impaired water quality, such as fish kills, is observed during dredging, dredging operations shall cease and the DEQ shall be notified immediately at (757) 518-2077.
17. No vegetated wetland fill or excavation is authorized by this permit.
18. In lieu of the monitoring required in Part I, Special Condition C.1, photographic documentation of the dredging and disposal process authorized by this permit shall be provided to the DEQ TRO VWPP Program within 60 days of occurrence. This documentation shall include photographs of the dredging activity, transport mechanism and disposal process. The photographs shall be labeled to include date and time of the photograph, name of the person taking the photograph, photograph orientation, permit number, and identifying name/description of the photograph. This documentation is required for the first dredging cycle only.

A. Duty to Comply

The permittee shall comply with all conditions of the VWP permit. Nothing in the VWP permit regulations shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations and prohibitions. Any VWP permit violation is a violation of the law, and is grounds for enforcement action, VWP permit termination, revocation, modification, or denial of an application for a VWP permit extension or reissuance.

B. Duty to Cease or Confine Activity

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a VWP permit has been granted in order to maintain compliance with the conditions of the VWP permit.

C. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any impacts in violation of the permit which may have a reasonable likelihood of adversely affecting human health or the environment.

D. VWP Permit Action

1. A VWP permit may be modified, revoked and reissued, or terminated as set forth in 9 VAC 25-210 et seq.
2. If a permittee files a request for VWP permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the VWP permit terms and conditions shall remain effective until the request is acted upon by the board. This provision shall not be used to extend the expiration date of the effective VWP permit. If the permittee wishes to continue an activity regulated by the VWP permit after the expiration date of the VWP permit, the permittee must apply for and obtain a new VWP permit or comply with the provisions of 9 VAC 25-210-185 (VWP Permit Extension).
3. VWP permits may be modified, revoked and reissued or terminated upon the request of the permittee or other person at the board's discretion, or upon board initiative to reflect the requirements of any changes in the statutes or regulations, or as a result of VWP permit noncompliance as indicated in the Duty to Comply subsection above, or for other reasons listed in 9 VAC 25-210-180 (Rules for Modification, Revocation and Reissuance, and Termination of VWP permits).

E. Inspection and Entry

Upon presentation of credentials, any duly authorized agent of the board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the VWP permit conditions;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit, and
3. Sample or monitor any substance, parameter or activity for the purpose of ensuring compliance with the conditions of the VWP permit or as otherwise authorized by law.

F. Duty to Provide Information

1. The permittee shall furnish to the board any information which the board may request to determine whether cause exists for modifying, revoking, reissuing or terminating the VWP permit, or to determine compliance with the VWP permit. The permittee shall also furnish to the board, upon request, copies of records required to be kept by the permittee.
2. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as required by the board prior to commencing construction.

G. Monitoring and Records Requirements

1. Monitoring of parameters, other than pollutants, shall be conducted according to approved analytical methods as specified in the VWP permit. Analysis of pollutants will be conducted according to 40 CFR Part 136 (2000), Guidelines Establishing Test Procedures for the Analysis of Pollutants.
2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
3. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or electronic recordings for continuous monitoring instrumentation, copies of all reports required by the VWP permit, and records of all data used to complete the application for the VWP permit, for a period of at least three years from the date of the expiration of a granted VWP permit. This period may be extended by request of the board at any time.
4. Records of monitoring information shall include:
 - a. The date, exact place and time of sampling or measurements;

- b. The name of the individuals who performed the sampling or measurements;
- c. The date and time the analyses were performed;
- d. The name of the individuals who performed the analyses;
- e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data used;
- f. The results of such analyses; and
- g. Chain of custody documentation.

H. Transferability

This VWP permit may be transferred to a new permittee only by modification to reflect the transfer, by revoking and reissuing the permit, or by automatic transfer. Automatic transfer to a new permittee shall occur if:

1. The current permittee notifies the board within 30 days of the proposed transfer of the title to the facility or property;
2. The notice to the board includes a written agreement between the existing and proposed permittee containing a specific date of transfer of VWP permit responsibility, coverage and liability to the new permittee, or that the existing permittee will retain such responsibility, coverage, or liability, including liability for compliance with the requirements of any enforcement activities related to the permitted activity; and
3. The board does not within the 30-day time period notify the existing permittee and the new permittee of its intent to modify or revoke and reissue the VWP permit.

I. Property rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize injury to private property or any invasion of personal rights or any infringement of federal, state or local law or regulation.

J. Reopener

Each VWP permit shall have a condition allowing the reopening of the VWP permit for the purpose of modifying the conditions of the VWP permit to meet new regulatory standards duly adopted by the board. Cause for reopening VWP permits includes, but is not limited to when the circumstances on which the previous VWP permit was based have materially and

substantially changed, or special studies conducted by the board or the permittee show material and substantial change, since the time the VWP permit was issued and thereby constitute cause for VWP permit modification or revocation and reissuance.

K. Compliance with State and Federal Law

Compliance with this VWP permit constitutes compliance with the VWP permit requirements of the State Water Control Law. Nothing in this VWP permit shall be construed to preclude the institution of any legal action under or relieve the permittee from any responsibilities, liabilities, or other penalties established pursuant to any other state law or regulation or under the authority preserved by § 510 of the Clean Water Act.

L. Severability

The provisions of this VWP permit are severable.

M. Permit Modification

A VWP permit may be modified, but not revoked and reissued except when the permittee agrees or requests, when any of the following developments occur:

1. When additions or alterations have been made to the affected facility or activity which require the application of VWP permit conditions that differ from those of the existing VWP permit or are absent from it;
2. When new information becomes available about the operation or activity covered by the VWP permit which was not available at VWP permit issuance and would have justified the application of different VWP permit conditions at the time of VWP permit issuance;
3. When a change is made in the promulgated standards or regulations on which the VWP permit was based;
4. When it becomes necessary to change final dates in schedules due to circumstances over which the permittee has little or no control such as acts of God, materials shortages, etc. However, in no case may a compliance schedule be modified to extend beyond any applicable statutory deadline of the Act;
5. When changes occur which are subject to "reopener clauses" in the VWP permit; or
6. When the board determines that minimum instream flow levels resulting from the permittee's withdrawal of water are detrimental to the instream beneficial use and the withdrawal of water should be subject to further net limitations or when an area is declared a Surface Water Management Area pursuant to §§ 62.1-242 through 62.1-253 of the Code of Virginia, during the term of the VWP permit.

N. Permit Termination

After notice and opportunity for a formal hearing pursuant to Procedural Rule No. 1 (9 VAC 25-230-100) a VWP permit can be terminated for cause. Causes for termination are as follows:

1. Noncompliance by the permittee with any condition of the VWP permit;
2. The permittee's failure in the application or during the VWP permit issuance process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time;
3. The permittee's violation of a special or judicial order;
4. A determination by the board that the permitted activity endangers human health or the environment and can be regulated to acceptable levels by VWP permit modification or termination;
5. A change in any condition that requires either a temporary or permanent reduction or elimination of any activity controlled by the VWP permit; and
6. A determination that the permitted activity has ceased and that the compensatory mitigation for unavoidable adverse impacts has been successfully completed.

O. Civil and Criminal Liability

Nothing in this VWP permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability

Nothing in this VWP permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Unauthorized Discharge of Pollutants

Except in compliance with this VWP permit, it shall be unlawful for the permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances;
2. Excavate in a wetland;

3. Otherwise alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, to animal or aquatic life, to the uses of such waters for domestic or industrial consumption, for recreation, or for other uses.
4. On or after October 1, 2001 conduct the following activities in a wetland:
 - a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;
 - b. Filling or dumping;
 - c. Permanent flooding or impounding;
 - d. New activities that cause significant alteration or degradation of existing wetland acreage or functions.

R. Permit Extension

1. Any permittee with an effective VWP permit for an activity that is expected to continue after the expiration date of the VWP permit, without any change in the activity authorized by the VWP permit, shall submit written notification request if an extension. The permittee must file the request prior to the expiration date of the VWP permit. Under no circumstances will the extension be granted for more than 15 years beyond the original effective date of the VWP permit. If the request for extension is denied, the VWP permit will still expire on its original date and, therefore, care should be taken to allow for sufficient time for the board to evaluate the extension request and to process a full VWP permit modification, if required.